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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,499	09/08/2003	Umesh Mahajan	112025-0130C1	9346

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EXAMINER

DUONG, DUC T

ART UNIT	PAPER NUMBER
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2419

MAIL DATE	DELIVERY MODE
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10/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/657,499	Applicant(s) MAHAJAN ET AL.	
	Examiner Duc T. Duong	Art Unit 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period **will** apply and **will** expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply **will**, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24 is/are allowed.
- 6) ☐ Claim(s) 20-23, 25, 28-31, 33-37, 40, 42, 44, 45, 47-49 is/are rejected.
- 7) ☒ Claim(s) 26, 27, 32, 38, 39, 41, 43, 46, 50 and 51 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

1. Claims 20-27 are objected to because of the following informalities: the term “containing” should be storing to be in accordance with the Interim Guidelines. Appropriate correction is required.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 20-51 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Art Unit: 2419

3. Claims 20-23, 25, 28, 29, 31, 33-35, 37, and 40 are rejected under 35 U.S.C. 102(e) as being anticipated by Seaman et al (US Patent 6,262,977 B1).

Regarding to claims 20, 28, 34, and 40, Seaman discloses a computer readable medium containing executable program instructions for use by an intermediate network device having a plurality of ports 101-104 for receiving and forwarding network messages (fig. 2 col. 9 lines 46-58), the executable program instructions comprising program instructions for configuring one or more ports as access ports 101-104 (fig. 4A col. 10 lines 6-13), wherein an access port is a port that does not provide connectivity to switches or bridges to other portions of a computer network, but instead connects to a Local Area Network LAN 109 (fig. 2 col. 9 lines 46-48); configuring one or more ports as rapid forwarding ports 101-104 (fig. 5 col. 10 lines 38-49; the role of a port as an alternate port read on a rapid forwarding port); identifying all ports that have been configured with rapid forwarding (col. 9 lines 52-54); and upon initialization of the device (alternate port change to root port), placing each identified port 101-104 with rapid forwarding directly to a forwarding spanning tree port state, without transitioning such identified ports between any intermediary spanning tree port states, so that network messages may be received and forwarded by such identified ports immediately (col. 10 lines 61-64).

Regarding to claims 21, 29, and 35, Seaman discloses monitoring each of the one or more access ports configured with rapid forwarding for receipt of a configuration bridge protocol data unit (BPDU) message and in response to receiving a BPDU message at one of the access ports configured with rapid forwarding (col. 3 lines 34-

Art Unit: 2419

42), placing the respective access port in a blocking spanning tree port state (col. 13 lines 65-66).

Regarding to claim 22, Seaman discloses the intermediate network device has a memory and the configuration of ports as access ports with rapid forwarding is stored at the memory (fig. 2 col. 9 lines 51-54).

Regarding to claims 23, 31, and 37, Seaman discloses placing one or more other ports in a listening spanning tree port state (col. 10 lines 57-61), upon initialization of the device (role of port is changed).

Regarding to claims 25 and 33, Seaman discloses generating and issuing one or more configuration bridge protocol data unit (BPDU) messages from each access port configured as rapid forwarding (col. 2 line 66-col. 3 line 2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 30, 36, 37, 42, 44, 45, and 47-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seaman in view of Chin et al (US Patent 6,298,061 B1).

Regarding to claims 30, 36, and 42, Seaman discloses a method comprising configuring one or more ports as rapid forwarding ports 101-104 (fig. 5 col. 10 lines 38-49; the role of a port as an alternate port read on a rapid forwarding port); identifying all ports that have been configured with rapid forwarding (col. 9 lines 52-54); and upon

Art Unit: 2419

initialization of the device (alternate port change to root port), placing each identified port 101-104 with rapid forwarding directly to a forwarding spanning tree port state, without transitioning such identified ports between any intermediary spanning tree port states, so that network messages may be received and forwarded by such identified ports immediately (col. 10 lines 61-64).

Seaman fails to teach the configuration of one or more port as rapid forwarding is via a network administrator selecting a management protocol.

However, Chin discloses a method for port aggregation, wherein an administrator managed the ports using a Simple Network Management Protocol (col. 18 lines 24-33).

Thus, it would have been obvious to a person of ordinary skill in the art to employ a port configuration via an administrator using a management protocol as taught by Chin into Seaman's method to allow the port be manually control.

Regarding to claim 37, Seaman discloses placing one or more other ports in a listening spanning tree port state (col. 10 lines 57-61), upon initialization of the device (role of port is changed).

Regarding to claims 44 and 48, Seaman discloses monitoring each of the one or more access ports configured with rapid forwarding for receipt of a configuration bridge protocol data unit (BPDU) message and in response to receiving a BPDU message at one of the access ports configured with rapid forwarding (col. 3 lines 34-42), placing the respective access port in a blocking spanning tree port state (col. 13 lines 65-66).

Art Unit: 2419

Regarding to claims 45 and 49, Seaman discloses placing one or more other ports in a listening spanning tree port state (col. 10 lines 57-61), upon initialization of the device (role of port is changed).

Regarding to claim 47, Seaman discloses generating and issuing one or more configuration bridge protocol data unit (BPDU) messages from each access port configured as rapid forwarding (col. 2 line 66-col. 3 line 2).

Allowable Subject Matter

6. Claims 24 allowed.
7. Claims 26, 27, 32, 38, 39, 41, 43, 46, 50 and 51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is (571)272-3122. The examiner can normally be reached on M-F (8:00 AM-5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2419

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. T. D./
Examiner, Art Unit 2619

/Wing F. Chan/
Supervisory Patent Examiner,
Art Unit 2619
10/27/08